EXHIBIT B

1			
(Taken by the Plaintiffs) Butner, North Carolina			

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	38		40
1	Q. They sent you dollars?	1	A. Because they were the counterparties on
2	A. They sent me dollars.	2	the options, hedged their portfolios.
3	Q. You purchased equities for them; correct?	3	Q. Picower or Shapiro, who you
4	A. Correct.	4	A. So you basically had Picower or
5	Q. And you hedged it using options to minimize	5	Shapiro you had Picower and Shapiro, who
6	the market risk; correct?	6	purchased the options. The options were sold by
7	A. Right.	7	the French banks you know, the French bank, I
8	And those equities were held at at	8	should say.
9	either DTC or, you know, other places.	9	And the understanding was that these
10	Q. Did did you provide the banks with	10	options were going they were long-term in
11	statements of their equity positions?	11	nature, commonly referred to as leaps. But the
12	A. Yes. They were no different than any	12	understanding was that these options were to be
13	other client of mine. We sent out confirmations	13	held for at least a year. And that was
14	and monthly statements.	14	primarily because the equities had to be held
15	Q. So they received monthly statements on BMIS	15	for a year from the large clients.
16	letterhead?	16	The banks needed to have their positions
17	A. Correct.	17	hedged as well. So it was an understanding
18	Q. And at one point you said that this for	18	between the parties that these transactions were
19	awhile was a legitimate business; correct?	19	long-term in nature.
20	A. Correct.	20	The now, in those days
21	Q. And then you said you got a little into	21	over-the-counter options were basically endorsed
22	trouble?	22	by the broker putting them together, which meant
23	A. Right.	23	that he was standing behind the options.
24	Q. How did you get into trouble?	24	Q. So you were standing behind the options?
25	A. Okay. When the market crashed in '80	25	A. Yeah. I mean, if they defaulted. As
	39		41
1	well, part of the arrangement that I had with	1	opposed to now, the clearing corporation
2	these four clients was that their securities	2	options the clearing corporation now handles
3	Q. Which four clients?	3	those transactions.
4	A. Jeffry Picower, Carl Shapiro and his	4	But all of the derivative products that
5	family. Picower had also a number of of	5	you see that got the industry the country
6	accounts, you know, large accounts.	6	into trouble, all of these CDOs and CDSs and so
7	Norman Levy, who was a large real estate	7	on, those are also over-the-counter options.
8	investor. Stanley Chase, who was a California	8	So a very, very small percentage of
9	hedge fund it was really a limited	9	option business, both equity options and all of
10	partnership. He never registered as a hedge	10	these derivatives, are actually done on
11	fund.	11	exchanges.
12	Those are the four clients. There were	12	They are primarily all done over the
13	a few others. The	13	counter, where the various counterparties keep
14	Q. You mentioned a Swiss guy?	14	changing and so on and so forth. And it's a
15	A. Yeah no. Oh, that was he just	15	whole myriad of cyberspace type of situations.
16	made the introductions, Albert Igoin.	16	Q. So let me try to break this down, see if I
17 18	Q. I understand.	17	understand it.
18 19	A. He was in the pipeline.	18 19	The French bank or banks sent you dollars
20	Q. I understand.	20	and purchased equities; correct? A. Correct.
21	A. The arrangement was that they would buy this portfolio of securities, and then we would	21	Q. And then also entered into option
22	sell options against it.	22	transactions to hedge their market exposure?
23	Now, the understand that these	23	A. Right.
24	options were primarily over-the-counter options.	24	Q. And the French banks were on one side of
25	Q. How is this related to the French banks?	25	the option transaction, and Mr. Shapiro, Mr. Levy,

11 (Pages 38 to 41)

	42		44
1	Stanley Chase and Picower were on the other side?	1	they, as typical retail clients, even though
2	A. Yes, but	2	they were wealthy retail clients, would do is
3	Q. And you were in the middle?	3	they decided that they did not want to lose
4	A. But I was in the middle, as because	4	these gains, which they always objected to
5	those transactions were basically handled as	5	selling over the years, even though their
6	principal transactions, which is typically the	6	their holding period was was long past, but
7	way the market makers trade.	7	they were
8	Q. So when did where did it go wrong?	8	Not only now did they want the long-term
9	A. Okay. When the market crashed in '87,	9	gains, they wanted to defer paying the taxes on
10	these four clients, primarily Picower and	10	the long-term gains as well, which is, you know,
11	Shapiro, were concerned that the market was	11	the not that hard to understand, if you
12	going to continue to go into a free-fall, and	12	knew if you did a client business.
13	they were going to lose the advantage of their	13	So this led to them basically saying,
14	long-term gains that they had been holding.	14	well, look, we've got to sell, because you can't
15	Now, of course, from 1980 until 1987 the	15	guarantee the market is going to go down.
16	market when I when I devised the	16	I said, well, that's true. Now, you're
17	strategy for them in 1980. The strategy was	17	hedging. You're not going to lose anything, but
18	dependent upon the market going up, because you	18	you will lose the long-term gain aspect of it.
19	can't get long-term gains unless the market goes	19	At that time also there was rumblings
20	up.	20	from the IRS about shelter about Straddle
21	Prior to this they were using Silver	21	Silver Straddles and long-term gains and hedging
22	Straddles and all of these different types of	22	and all of this stuff that was going on.
23	Mickey Mouse type of hedging strategies, tax	23	So they basically
24	shelters, which the government was disallowing	24	Q. When you say there was rumors from the IRS
25	anyhow.	25	that they would disallow the
	43		45
1	So I went to them at that time, and I	1	A. That they
2	said, look, the only way you're going to get	2	Q ability not
3	long you're going to you really get	3	A were changing the rules the
4	sheltered income is by trying to develop	4	Straddle rules on hedges, that basically said
5	long-term gains in the equity market.	5	that, if, in fact, you are long one security and
6	Their concern was, well, that means the	6	short a similar security, which was part of the
7	market going up. And I said, look, well, that's	7	strategy, they were going to disallow that,
8	for sure. I said, I can't guarantee that, but	8	because there was no risk involved in that.
9	at that time I felt strongly about the market,	9	So
10	because it just looked to me to be bottoming	10	Q. They were going to disallow the ability not
11	out.	11	to
12	And I said, you know, you have nothing	12	A. The long-term gain.
13	to lose by trying it. So they gave me the go	13	Q. The long-term gain. Correct.
14 15	ahead, and we developed this.	14	A. Right.
15 16	Well, by the time 1987 came we had	15 16	The I was put in an awkward position,
16 17	huge billions of dollars worth of long-term	17	because I was being pressured by these clients
18	gains. Q. And by, "we," who are you referring to?	18	to sell their long equity positions, take their profits.
19	A. Meaning the clients, you know. All I	19	And they then said, but they I said,
20	was making was the commissions and markups on	20	well, look, it's a problem for me, because I
21	the transactions. I was not a party to the	21	can't if I sell the equities, then I'm
22	transactions.	22	open you're open on the on the hedge side
23	Q. And, "the clients," meaning Mr. Shapiro and	23	of the transaction, and you're at risk.
24	Picower?	24	Well, they said, well, the market is
25	A. Shapiro, Picower and Chase. The so	25	going to go down anyhow. So, therefore, they
	in Shapire, received and chaper the 30		gaming as go down displaced to of the closely they

12 (Pages 42 to 45)

Pg 5 of 8 CONFIDENTIAL

	46		48
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1 2	the money that they would they were short,	1 2	for all of them becoming billionaires. And we
3	the hedges they were short, were going to be a	3	were you know, our families were close.
4	profit as well. I said, well, that's not that's not a	4	So they said to me, look, we will change our trust agreements and our wills, so that you
5	quarantee.	5	will be held harmless.
6	So the there was a there was a	6	Meaning now they couldn't they said,
7	a lot of negotiation between me and the four	7	look, you are in charge of investing for us
8	clients, because I felt obligations to the	8	forever. And even after we die because by
9	French clients, who were on the other side of	9	now Picower not Picower, but Shapiro was, you
10	the hedges. And	10	know, in his late 80s. Levy was the same.
11	Q. And who were the French clients?	11	I said, look, you know, I don't want to
12	A. Banque Privee.	12	have to deal with your children, you know, you
13	Q. Banque Privee.	13	know, on a to say basically, your father told
14	A. And Albert Igoin.	14	me so.
15	And I said, look, this has, you know,	15	So their lawyers put together they
16	put me in an awkward position. The	16	changed their trust agreements, that basically
17	understanding, which we all agreed to, was that	17	said that I was the only one that could invest.
18	these trades were going to be held for you	18	I was not liable for any risk involved in this.
19	know, until they were ready to unwind the	19	As a matter of fact, Levy's bank was the
20	transaction on their side.	20	trustee of his and the bank said, look, you
21 22	So I foolishly decided that I would step	21 22	know, we want to be the we want to be the
23	in, and I would take their position on the short	23	executor. We want to be responsible for
23 24	side of the option, which meant that basically I was now at risk for the for the market, you	24	investing, not Madoff.
25	know, going up, because I was now short the	25	And he said, no, no. So he I then became the executor of his estate and all of his
	47		49
1	options that they were short and the and I	1	children's trusts and so on and so forth.
2	didn't have the equities to cover that, which	2	And the there were other arrangements
3 4	because they had sold I had sold that for	3 4	made between their foundations and me, where I
5	them.	5	would invest money for their foundation
6	So I said, look, I can't do this, because I think the market is going to go up	6	accounts, which I was investing. And Q. So what so what went wrong?
7	eventually, and this is going to be a disaster.	7	A. Well, the market, as I had feared, went
8	So they said, okay. Look, we'll hold	8	up. I theoretically was covered by them, even
9	you harmless for the option loss, because we	9	though it was sort of a bizarre arrangement, to
10	think the market is going to go down.	10	be to be quite honest with but
11	So I said, well, how are you going to do	11	And that was a major, major blunder on
12	that?	12	my part, which is still hard for me to
13	So they said, well, we'll we will	13	understand. And hard for my probably wife to
14	change our trust in you have to understand,	14	understand and my sons.
15	these people are like family to me. So it	15	Although, quite frankly, they weren't
16	was it was a a very close relationship.	16	even aware of this. My sons are still not aware
17	It wasn't just a business relationship.	17	of it. My wife just became aware of it, you
18 19	Q. In what way were they like family?	18 19	know, recently.
20	A. Well, they were sort of like Shapiro	20	The I just foolishly did this,
21	was sort of like a father figure to me. So was Norman Levy.	21	because I didn't want to ruin the relationship with the with the banks.
22	Picower, who really was my age, was not,	22	I never thought the market would run the
23	but I was the executor of his estate and all of	23	way it did. You know, I thought it would
24	this those things.	24	recover, but not at the levels that it did.

13 (Pages 46 to 49)

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And, unfortunately, Jeffry Picower, who

And I was basically the one responsible

Pg 6 of 8 CONFIDENTIAL

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	50		52
1	was a large investor with Goldman Sachs, started	1	a quick restroom break?
2	to tell me that he was losing money at Goldman	2	MR. BLEICHMAR: Sure. We'll finish this
3	Sachs, which I certainly knew was likely,	3	line of questioning, and we'll take a break in
4	because he was a real, you know, speculator, to	4	five minutes.
5	begin with.	5	MR. REGAN: Sure.
6	He was a leverage type of a player. He	6	THE WITNESS: I'm almost finished with
7	had invested he was one of Ivan Boesky's	7	this.
8	original investors and and sort of got burnt	8	MR. REGAN: No. That's fine.
9	with Ivan Boesky.	9	THE WITNESS: So the I started to get
10	·	10	nervous, and this started in the this
11		11	basically came to a head in the in the '90s.
12	, , , , , , , , , , , , , , , , , , , ,	12	And at that time I was being pressed by a
13	3	13	number of hedge funds to invest money in this
14		14	model developed the model site trading,
15	3	15	split-strike conversion, that we were dealing
16	**	16	with.
17		17	And I looked at I said to myself, look,
18		18	if I'm never going if I'm I'm going to
19	· ·	19	I'm now in a hole, because I was now out, you
20		20	know, a couple of billion dollars from
21		21	BY MR. BLEICHMAR:
22	•	22	Q. From Picower?
23		23	A from Picower and these other people.
24		24	And the only way I'm going to make this money
25	dollars.	25	up, if, in fact, Goldman does not make this
	51		53
1	So he assured me, don't worry. Goldman	1	money up to them from favorable treatment or the
2	is going to take care of me. I am you know,	2	market, getting lucky, whatever, I've got to
3	they're going to give me special treatment. I	3	start taking on some more assets and build my
4	will deal with you know, they're going to	4	investment management business.
5	give me all of their deals.	5	And I had all of these funds clambering,
6	And Goldman I was friendly with	6	primarily Fairfield and Kingate, at the time and
7	partners at Goldman. So I knew that they had	7	Sonya Kohn, you know, and so on, to take in
8	the capability of doing that. As a little	8	money to do this model trade that the boy genius
9	thing, news event, was uncovered, you know, I	9	on Wall Street, named Bernie Madoff, was
10	guess a few years ago between Goldman and	10	basically had developed to do his trading,
11	•	11	and was successfully doing it for a number of
12	, 3	12	clients.
13	,	13	Aside from the Shapiro and Picower
14	•	14	and so on. I was also doing that type of
15		15	trading for for the banks, the European bank,
16	, y ,	16	Banque Privee.
17	3 ,	17	So I decided to take this money in.
18		18	Now, one of the caveats or one of the
19	·	19	conditions of me taking the monies in was that
20	,	20	it was going to be long-term money.
21	••	21	And that was for two reasons. Number
22		22	one, the hedge fund business was a business that
23	Q. Uh-huh.	23	I really disliked, because it was known as hot
24		24	money business.
25	MR. REGAN: When convenient, could we take	25	In other words, the hedge funds, as long

14 (Pages 50 to 53)

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106 108 fiduciary capacity, and nothing goes unpunished. I live with that, you know, with that -- my son took his own life because of -- because of what It's, you know, from the treasury 3 secretary, you know, on down, and everybody I did. So --4 stands there. And there's one article or But me feeling sorry, it doesn't change 5 editorial after another in the newspapers today anything, you know. The only thing I --

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It's -- you know, it doesn't make me feel any better. It's something that I knew all along, and maybe had a greater impact on my psyche than I thought that allowed me to -- to do this.

that basically confirms that.

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But you have to understand that for 50 years I operated at every level of this industry and was witness to all of the rules and regulations. I -- I've framed most of them in the trading industry.

I was on the committees that built them. I served on the federal regulation committee, which includes the general counsels of every firm, primary firm, in Wall Street, and for longer than anybody in the industry.

And I watched general counsels of the major firms acknowledge that their firms were violating the rules left and right, that the CEOs knew what was going on, to the point where that's -- the only thing that I feel good about was that when offered a deal by the prosecutor to -- to, you know, come forward and cooperate to get a lower sentence, I refused to do that.

And my attorneys didn't understand it, advised me not to do this, but -- you know, not to not cooperate, but I said at the time, and since then has been proven to be correct, that the best thing I could do for my clients was to -- to get the money back from the people that were complicit in the crime. Namely, Picower, Shapiro, Levy and some of these other people.

I said that --

Q. Why were they complicit?

A. Well, because they had violated tax laws based upon what I discussed with them and other things that I knew that they were doing with people in my firm, bookkeepers, who are all now under investigation.

And I said, look, I have nothing to lose

107

109

1 they refused to certify what the SEC wanted them 2 to certify that everything was okay.

And their response was, I'm not certifying this. And you're going to jail, because I know -- let the CEO certify them, these documents, and that way they'll have the money. You know, I'm not expendable, but -- I mean, I'm expendable. They're not.

So none of this makes me feel any better. Okay. And it's probably not going to make anybody else feel any better, but it's -it's a -- it's pathetic, but that's what is -that is what is going on, and it had an impact on me.

So when you ask, why did I do it, I ask myself that every day, every day. And I'm sure my family asks that every day. And the regulators ask it.

Mary Shapiro has probably been mortified and embarrassed, you know, as the chairman of the SEC, you know, who has a close relationship with me. So does a lot of the other attorneys

Q. Are you sorry about what you did? Of course I'm sorry. I mean, you know,

work there.

1 at this stage. No matter what I do, no matter 2 how I cooperate, I'm going to be sentenced to a 3 long term. I'm going to wind up probably dying 4

And these people are all aware of the fact that I have information that will send them to prison. That, you know, the best thing I can do would be to let these people know that unless they come forward with the money, return it, and the investors get -- become whole, then I am going to give the evidence to the government that I have.

This was not good enough for the government to reduce my sentence or anything else. And I said, okay. I said, it's sort of academic, as far as I'm concerned.

I said, you want criminal information. I said, criminal information is not going to matter, because these people are going to be dead anyhow by the time you bring it.

They're 90 some odd years old, other than Picower. I said, his health is questionable. He'll never survive long enough anyhow. He's had four quadruple bypasses, you

28 (Pages 106 to 109)

Pg 8 of 8 CONFIDENTIAL

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	110		112
1	I said, it's you'd have to let me do	1	an estate of nine billion dollars. So I
2	this my way. I contacted these people, and I	2	thought, not only was I stupid, you know, the
3	said to them I laid it out to them. I said,	3	guy lied to me. Which, of course, you know, I
4	look when I was on bail, I said, you either	4	guess, I lied to a lot of other people. So
5	come forward or I'm going to release the	5	Well, his wife, of course he he
6	information.	6	died of a heart attack in a pool. I'm sure it
7	Q. When you say, "these people," who are you	7	was inflicted by knowing what was going to
8	referring to?	8	happen.
9	A. Picower, Shapiro.	9	She came forward with the seven billion
10	And then believe me, I had it. And	10	dollars. Shapiro came forward with close to a
11	it took a year for Picower to finally say to me,	11	billion dollars in reality. Levy's family came
12	okay. I'll come down. Let me have this	12	through with 250. Other banks came through with
13	information, you know. He said	13	500. This one did a billion. This one
14	And I said, I'm not you know, fine.	14	The reality of it is, the money is all
15	I said, it's there's no conditions attached	15	going to be recovered. At least that's my
16	to it. I said, I'll give you the information.	16	and this this has nothing to do with the
17	I'll tell you where to look.	17	billions of dollars that all of these people
18	By that time, you know, Picower	18	made for the first 35 years of doing business
19	Q. Picower?	19	with me.
20	A. Yeah no. Picower was dead.	20	So it's a longwinded way of saying, how
21	Q. Okay. So who came down?	21	did it happen, why did it happen, do I feel
22	A. He drowned in a swimming pool.	22	remorse. I don't have a a son. I lost my
23	Picard and his attorneys. They came	23	son. For all intents and purposes I've lost the
24	down for two days. They had six or eight	24	rest of my family, and I turned what would have
25	attorneys spend two days four days here. And	25	been a great legacy into a total disaster.
	111		113
1	I laid out all of this information.	1	So, you know, do I feel guilty with some
2	Of course, Picard said, well, we sort of	2	of my investors? Yes. There were some people
3	know about this, because we can see what you did	3	that were friends of mine, who could never
4	and this. I said, fine. I said, look, I said,	4	imagine or believe that I would do this.
5	you know, you're going to get the money back.	5	And, of course, they'll never believe
6	And, of course, everybody said it was a	6	that I thought it was a temporary situation,
7	pipe dream. They said, this is not going to	7	but, you know, I would be less than human.
8	happen. You know, no one is going to come	8	But, according to my psychologist, who I
9	forward with all of this money.	9	spend endless time with, for someone who never
10	And I said, it I can't guarantee it,	10	believed in getting help, was not a thing that
11	but I I said, I know it's going to happen,	11	Jewish people did, as you know, the people
12	because these people, you know, really have no	12	compartmentalize things, is the term, the
13	choice.	13	psychological term they use. That's how
14	And at this time I became aware of the	14	Q. Is that what you did?
15	fact that Picower had an estate of nine billion	15	A. Yeah. I mean, that's what she claims.
16	dollars. It was reported in the papers. So, in	16	I mean, mafia people kill people all day long.
17	spite of the fact that he told me he was wiped	17	And I sit out in the yard with one of them, who
18	out and couldn't have didn't have the money,	18	is, you know, Carmine Persico, who was accused
19	which is why I started doing all of this,	19	of killing 21 people, and he's the sweetest man.
20	because I realized he's not going to be able to	20	And family comes down and visits him,
21	make me whole, and I'm not going to be able to	21	and he sits here. And you talk to this guy, and
22	make the money I lost on the hedges. So that's	22	you think this can't be someone that would be a
23	what started this whole cycle.	23	cold-blooded murderer. And I'm sure people say
24	You can imagine how I felt when being in	24	that about me, you know.
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29 (Pages 110 to 113)

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So, look, I never understood how people

prison I read in the newspapers that the guy had

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